

APPROVED AS AMENDED BY BOARD OF SELECTMEN

**TOWN OF DARIEN
BOARD OF SELECTMEN
REGULAR MEETING
JANUARY 18, 2005**

ATTENDANCE: Evonne M. Klein, First Selectwoman; Joseph Miceli;
Barbara Thorne; Linda Santarella; Robert Harrel, Jr. (8:00 p.m.)

STAFF: John Crary, Administrative Officer

OTHERS: Wayne Fox, Town Counsel

CALL TO ORDER

The First Selectwoman called the Regular Meeting to order at 7:30 p.m.

FIRST SELECTWOMAN'S REPORT

The First Selectwoman stated that last Thursday she attended a meeting hosted by Mayor Knopp and Save The Sound to discuss the proposal to locate a natural gas terminal in the middle of Long Island Sound by Broadwater, a firm based in Canada. She reported that the objective was to provide more natural gas to Connecticut and New York and a floating platform would be installed in Long Island Sound. She noted that Darien was well represented at the meeting and Coastal Waters will be discussing the project. She stated that she shared the concern of the Attorney General, who was present, that this was the beginning of the industrialization of Long Island Sound. She reported that she would keep the Board and the community posted on the status of the project and would like to hold a public forum where both sides of the issue would be presented.

The First Selectwoman reported that the Tokeneke Building Committee will be coming to the Board of Selectmen for approval of a funding request of \$22,350,000 which did not include the \$284,000 previously approved for the schematics. She noted that the number included the escalation cost of 10% and a contingency fund. She reported that the matter will be on the agenda of the RTM's meeting on February 28th.

The First Selectwoman stated that about a month ago she reported that extending the hours that the Weigh Station was open was a legislative priority for SWRPA. She reported that today, State Senator Andrew McDonald will introduce legislation to address this issue. She thanked the Senator and SWRPA for their quick response in addressing this issue.

Ms. Klein reported that the hearing date on the CL&P Glenbrook Cable project has been postponed again and a new date has not been set.

Ms. Klein reported that she met last week with the Downtown Darien Committee to organize a merchants and property owners meeting, as well as to being the application process to the CT Main Street Center. She added that two representatives will be attending a Downtown Resource Center Session on January 28th with the topic being “Building your Capacity to Revitalize Downtown.”

She reported that the Website Committee has developed a policy, purpose and goals and will be at the Board of Selectmen meeting in February. She continued that the Health District will also report to the Board in February.

Ms. Klein reported that some items that will be included in this year’s budget are a full time EPC person and ½ time assistant, increasing the income for seniors so they could then qualify for tax relief, increasing the staff in Parks & Recreation and the Department of Public Works, and also money has been budgeted for the downtown and business districts. Mr. Crary reported that he expected to have the full budget completed on January 31st.

ADMINISTRATIVE OFFICER’S REPORT

Mr. Crary reported that the check from CL&P was finally received for the refund for the street lights in the amount of \$77,000. He stated that this was a partial payment and that they were continuing to review it. He reported that he hoped to fund energy conservation projects with the funds including the Senior Center, the Town Hall gym and the Public Works garage to decrease electrical usage at these locations by changing light bulbs and fixtures. Dr. Miceli asked if the refund of \$77,000 would go into the General Fund and Mr. Crary stated that it would and he would provide transfer requests to the three locations at the next meeting.

NEW BUSINESS

a) Update from Depot teens.

Nicole Simms and Bill Haire, Co-Chairs from the teen Depot, reported on some of their activities that included a fall carwash, a Christmas paper wrapping event, Christmas caroling at the Senior Center, and a band night in which they donated the proceeds of \$600 to the Tsunami Relief fund. They reported that upcoming events are to have another event with the Senior Center and a Hoe Down with a mechanical bull being brought in.

Mr. Thorne asked what they needed from the Town and it was discussed that they needed more publicity of their events. The First Selectwoman reported that the Depot teens requested that they be on the agenda of the Board meeting monthly to provide an update of their activities.

b) Discuss and Take Action on the Coon Point Rd./Great Island Road and the Goodwives River Sewer Extensions

The First Selectwoman stated that this item was discussed prior to the meeting with the Sewer Commission. She asked if there were any further comments from the Board. There were none.

- ** DR. MICELI MOVED TO APPROVE THE COON POINT RD./GREAT ISLAND ROAD SEWER EXTENSION IN THE AMOUNT OF \$439,000 AND THE GOODWIVES RIVER ROAD SEWER EXTENSION IN THE AMOUNT OF \$4,050,000.**
- ** MS. SANTARELLA SECONDED.**
- ** MOTION PASSED UNANIMOUSLY.**

c) Marc McEwan, Emergency Management Director - update and discuss CERT

Ms. Klein stated that Mr. McEwan was doing an excellent job and thanked him. Mark McEwan then stated that he would provide an update on what he has been doing since he became the Emergency Management Director in July. He reported that he has been very busy and the demands placed on him and the Town in the area of emergency management continues to increase. He reported that in the area of training he has completed courses on NIMS and NRP, joined CEMA and attended terrorism training for top officials. He reported that he held conference calls with CT Mayors and First Selectmen, attended meetings with the CT OEM regarding policies of Metro-North RR, and had several shelter meetings with the Red Cross. He reported that the PDM subcommittee was working on a grant to alleviate flooding on Heights Road. He noted that grants in the State are in a state of flux however, he has put in a plan to spend the money when it is allocated. He reported that he is updating the Emergency Operations plan that will include a Terrorism Annex. He reported that a local Table Top exercise was successfully run in December. He stated that upcoming events were to distribute the Emergency Operating Plan to departments for updating and editing, institute regular meetings of the Preparedness Committee monthly, and establish a Continuity Plan for Overall Town Government Operation.

Ms. Klein stated that discussion on the CERT program would be put on a future agenda. Dr. Miceli asked if Fire Marshall inspections were being done and Mr. McEwan replied that they were being done on a priority basis. Town Counsel confirmed that this would not create a liability for the Town.

Flora Smith urged the Board to take a vocal view with the State legislators about the change in the driving age for those driving ambulances at Post 53.

d) Discuss and Take Action on the Acquisition of the Procaccini Property

Ms. Klein reported that last week the Board of Finance had questions regarding the acquisition and she had requested them to put them in writing but had not received them as yet. Ms. Thorne stated that they needed to address their questions and she would like to see this move forward. Ms. Santarella stated that the Board was told that they would have the questions by Friday. She asked that Ms. Klein contact the Board of Finance Chairman and place a timeline on it.

e) Discuss Board of Selectmen Priorities for 2005

Ms. Klein stated that she has an appointment to look at another piece of property on Thursday and that this presents another opportunity for the Town.

Ms. Santarella stated that she would like to talk more about a land acquisition reserve fund. She also asked that a new Charter Revision Commission be created as a priority. Ms. Klein proposed that they keep the priorities that were voted on last year because it was a course that the Board charted.

Ms. Santarella stated that she read the draft of the new town plan development and further stated that she wanted a draft of the report. She asked if there were any comments from the public on it. Mr. David Kenny, Planning and Zoning Commission, reported that he had zero comments from the public to the Town Plan of Development.

f) Discuss and Take Action on Tax Appeal Settlements for 166 Pear Tree Point Road, 138 Heights Road and 248 Long Neck Point Road

The First Selectmen requested that the reading of the Resolution be waived.

**** DR. MICELI MOVED TO WAIVE THE READING OF THE RESOLUTION.**
**** MR. HARREL SECONDED.**
**** MOTION PASSED UNANIMOUSLY.**

THE FOLLOWING RESOLUTION WAS UNANIMOUSLY APPROVED:

WHEREAS, A NUMBER OF TAX APPEALS HAVE BEEN FILED WITH THE TOWN OBJECTING TO THE ASSESSMENT THAT HAVE SET ON THEIR PROPERTY INCLUDING ROBERT OXER, 166 PEAR TREE POINT, GOLDEN REALTY (SHOP AND STOP), 138 HEIGHTS ROAD, PAUL TREGURTHA, 248 LONG NECK POINT, AND

WHEREAS, THESE PROPERTY OWNERS HAVE ALSO FILED A SUIT AGAINST THE TOWN OF DARIEN ASKING THAT THEIR ASSESSMENT BE MODIFIED, AND

WHEREAS, THE TOWN AND THE APPLICANT HAVE EACH HIRED INDEPENDENT APPRAISERS TO EVALUATE THE MARKET VALUE OF THE PROPERTY, AND

WHEREAS, TOWN ASSESSOR AND TOWN COUNSEL HAVE NEGOTIATED WITH THE LEGAL REPRESENTATIVE OF EACH OF THESE APPLICANTS AND RECOMMENDS THAT A SETTLEMENT BE ENTERED INTO, NOW THEREFORE BE IT

RESOLVED, THAT THE BOARD OF SELECTMEN HEREBY APPROVES CHANGING THE ASSESSED VALUE OF THE FOLLOWING PROPERTIES IN SETTLEMENT OF THESE DISPUTES:

	<u>FROM</u>	<u>TO</u>
ROBERT OXNER, 166 PEAR TREE POINT ROAD	\$3,049,400	\$2,950,000
GOLDEN REALTY (SHOP AND STOP), 138 HEIGHTS ROAD	\$5,781,600	\$5,481,600
PAUL TREGURTHA, 248 LONG NECK POINT ROAD	\$6,615,900	\$6,165,900

g) Report by Robert Harrel on the Darien Farmers Market

Mr. Harrel reported that the Darien Farmers Market will be held at the same location and on Wednesdays from June 15th through November 23rd. He noted that Farm Fresh will be the sponsor again and it will run from 11:00 AM to 6:00 PM. There will be also be approximately the same number of vendors, between eight to ten.

PUBLIC COMMENT

Harry Artenian, 9 Park Place, stated that regarding the Procaccini acquisition, he was concerned that if the Board of Finance was satisfied with the Board's answers to their questions, he felt that there were still a series of things to be answered including a detailed financial analysis and contingencies. He stated that he was very concerned, as a taxpayer, as to the total and true cost of acquiring the property and the value to the Town. Ms. Klein replied that there was plenty of information on the property, costs have been provided and a contract will be negotiated. She continued that some costs are known and some are not known, however when the community decides how to develop the property, they will then have the costs.

APPOINTMENTS/REAPPOINTMENTS

Consider and take action on the following appointment:

- a) Gerry McGrath (R) as a member of the Beautification Commission, for a term beginning on 12/1/04 and expiring on 11/30/07.**
- b) Carl Pombar (R) as a member of the Youth Commission, for a term beginning on 4/1/05 and expiring on 3/31/07.**
- c) Chris Kevorkian (D) as a member of the Beautification Commission, replacing**

Danielle Leinroth, for a term beginning on 12/1/04 and expiring on 11/3/0/07.

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- d) **Jim Cameron (D) as a member of the Cable TV Advisory Commission, for a term expiring on 12/31/05.**
- e) **Wayne Becker (d) as a member of the Zoning Board of Appeals, to fill the term of Ramsay Bell, expiring on 6/30/06.**

**** THE BOARD OF SELECTMEN UNANIMOUSLY APPROVED TO APPOINT THE FOLLOWING:**

GERRY MCGRATH (R) AS A MEMBER OF THE BEAUTIFICATION COMMISSION, FOR A TERM BEGINNING ON 12/1/04 AND EXPIRING ON 11/30/07.

CARL POMBAR (R) AS A MEMBER OF THE YOUTH COMMISSION, FOR A TERM BEGINNING ON 4/1/05 AND EXPIRING ON 3/31/07.

CHRIS KEVORKIAN (D) AS A MEMBER OF THE BEAUTIFICATION COMMISSION, REPLACING DANIELLE LEINROTH, FOR A TERM BEGINNING ON 12/1/04 AND EXPIRING ON 11/3/0/07.

JIM CAMERON (D) AS A MEMBER OF THE CABLE TV ADVISORY COMMISSION, FOR A TERM EXPIRING ON 12/31/05.

WAYNE BECKER (D) AS A MEMBER OF THE ZONING BOARD OF APPEALS, TO FILL THE TERM OF RAMSAY BELL, EXPIRING ON 6/30/06.

APPROVAL OF PREVIOUS MINUTES

a) Special Meeting of December 7, 2004

The following change was made to the Minutes:

Page 3: First paragraph: Sixth sentence: Change to: ... does not have enough.

**** DR. MICELI MOVED TO APPROVE THE MINUTES OF THE SPECIAL MEETING OF DECEMBER 7, 2004 AS AMENDED.**

**** MS. THORNE SECONDED.**
**** MOTION PASSED UNANIMOUSLY.**

b) Special Meeting of January 10, 2005

**** DR. MICELI MOVED TO APPROVE THE MINUTES OF THE SPECIAL MEETING OF JANUARY 10, 2005.**
**** MS. THORNE SECONDED.**
**** MOTION PASSED UNANIMOUSLY.**

FORTHCOMING MEETINGS

a) January 24, 2005	RTM Meeting at 8:15 p.m.
b) January 25, 2005	Board of Selectmen Budget meeting at 5:30 p.m.
c) January 25, 2005	Board of Ed Regular meeting at 7:30 p.m.
d) January 27, 2005	Board of Selectmen Budget meeting at 5:00 p.m.
e) February 1, 2005	Board of Selectmen Budget meeting at 5:00 p.m.
f) February 3, 2005	Board of Selectmen Budget meeting at 5:00 p.m.
g) February 7, 2005	Board of Selectmen meeting at 5:30 p.m.

OTHER BUSINESS

(Needs a two-thirds vote in order to be added to the agenda)

There was no Other Business to report.

**** MR. HARREL MOVED TO ADJOURN THE MEETING.**
**** MS. SANTARELLA SECONDED.**
**** MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 9:25 p.m.

Respectfully Submitted,

Donna DeVito
Telesco Secretarial Services